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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,709	06/20/2005	Klaus Jansen	22007.004US	6753
22870 7590 04/23/2007 LAURENCE P. COLTON 1201 WEST PEACHTREE STREET, NW 14TH FLOOR ATLANTA, GA 30309-3488			EXAMINER LIU, JONATHAN	
			ART UNIT	PAPER NUMBER
			3673	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/511,709	Applicant(s) JANSEN, KLAUS	
	Examiner Jonathan J. Liu	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species I in the reply filed on 1/29/2007 is acknowledged. The traversal is on the ground(s) that species I, II, and III are not independent nor distinct. This is found persuasive and the restriction between species I, II, and III is withdrawn. However, the restriction regarding species IV is still deemed proper and made FINAL. Accordingly, an action on the merits for species I, II, and III is set forth below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice.

4. Claim 1 recites the limitation "in each case" in line 7. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

5. The term "preferably" in claim 2 is a relative term which renders the claim indefinite. The term "preferably" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

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6. Claim 9 recites the limitations "at least one suspension device of the connecting elements" in line 2 and "the load-bearing means" in line 7. There is insufficient antecedent basis for these limitations in the claim. Appropriate correction is required.

7. Claim 9 recites the limitations "the or each locking device" in lines 6 and 8 rendering the claim indefinite. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 6, and 9 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Sigl (US 5,280,658). Sigl discloses a supportive spring base comprising a plurality of spring slats (6, 7) running at a parallel distance to one another, and having longitudinal struts (16) which run transversely with respect to the spring slats and belong to a frame, the spring slats being mounted with their end regions on the longitudinal struts, characterized by connecting elements (3) for connecting at least two spring slats in each case.

With regards to claim 2, the connecting elements are of at least partially elastic design (col. 4, line 3).

In regards to claim 3, vertical compressive deflections of the connecting elements are at least partially transmitted to adjacent spring slats by the connecting elements,

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and one particular connecting element is arranged between two adjacent, parallel spring slats (see figure 4).

Regarding claim 4, the connecting elements are mounted in an articulated manner on at least two different spring slats (6, 7 - see figure 4).

With regards to claim 6, the connecting elements have a spring element designed as an elastic wing (21).

In regards to claim 9 (as best understood), Sigl shows at least one suspension device (21) with a locking device (20) which fixes the particular connecting element nondisplaceably in the longitudinal direction of at least one spring slat in a frictional manner, and each locking device is connected flexibly to the particular connecting element in such a manner that each locking device does not substantially impair the mobility of the suspension devices.

10. Claims 1, 3-4, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Loberg et al. (US 6,219,863). Loberg et al. disclose a supportive spring base comprising a plurality of spring slats (41) running at a parallel distance to one another, and having longitudinal struts (24, 25) which run transversely with respect to the spring slats and belong to a frame, the spring slats being mounted with their end regions on the longitudinal struts, characterized by connecting elements (70) for connecting at least two spring slats in each case.

In regards to claim 3, vertical compressive deflections of the connecting elements are at least partially transmitted to adjacent spring slats by the connecting elements,

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and one particular connecting element is arranged between two adjacent, parallel spring slats (see figure 7).

Regarding claim 4, the connecting elements are mounted in an articulated manner on at least two different spring slats (see figure 7)

In regards to claim 7, the connecting elements have suspension devices (the lower planar portions of members 72, 73) for connecting the connecting elements to the spring slats.

In regards to claim 8, the connecting elements have suspension devices which can be rotated relative to the spring slats (because of the clearances shown in figure 7) about a longitudinal axis of the particular spring slat, and in that the suspension devices are additionally movable in a translational manner with respect to the spring slats (col. 5, lines 34-36).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Loberg et al. (US 6,219,863). With regards to claim 5, the connecting elements are mounted on the spring slats in such a manner that the connecting elements are movable relative to the spring slats both in a translational manner (col. 5, lines 34-36) and in a rotational manner. In the alternative, a person of

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ordinary skill in the art would know that the clearances between the slats and member 70 would allow the connecting element to rotate relative to the spring slats.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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